

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KATRINA STANLEY OBO P.S.,

Plaintiff,

v.

Case Number 05-10302-BC
Honorable David M. Lawson

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION, GRANTING DEFENDANT'S
MOTION TO DISMISS, AND DISMISSING CASE WITH PREJUDICE**

This matter is before the Court on the report issued by Magistrate Judge Charles E. Binder on May 22, 2006 pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1 recommending that the Court grant the defendant's motion to dismiss and dismiss the complaint because the statute of limitations has run. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, the plaintiff did not file any objections. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 11] is **ADOPTED**, the defendant's motion to dismiss [dkt # 9] is **GRANTED**, and the plaintiff's

complaint is **DISMISSED WITH PREJUDICE.**

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 30, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 30, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS